

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: 2022-9-R

GENERAL INFORMATION

- ◆ **Name/Address of Applicant** **Application Date: 6/1/2022**
Lydia M. Roberts
332 River Oaks Drive
Destrehan, LA 70047
(504)-236-8126; lydiamr58@gmail.com
- ◆ **Location of Site**
702 East Easy Street, New Sarpy (Lots 1, 2, 3, Square 35, New Sarpy Subdivision).
- ◆ **Requested Action**
Change of zoning from R-1A(M) to R-2 on 6,000 sq. ft. at 702 E. Easy Street, New Sarpy

SITE INFORMATION

- ◆ **Size of Site**
The area of the proposed zoning is 6,000 sq. ft.
- ◆ **Current Zoning and Land Use**
R-1A(M); the site is a legally non-conforming corner lot developed with a site-built single-family house. The structure is legally non-conforming, encroaching into the required 15-foot yard along East Easy Street.
- ◆ **Surrounding Zoning and Land Use**
R-1A(M) zoning abuts the property on all sides; the neighborhood is developed primarily with site-built houses, including adjacent to the rear, side, and across East Easy Street.
- ◆ **Zoning History**
The R-1A(M) district was established in 1981.
- ◆ **Future Land Use Recommendation**
Moderate Density Residential: (8 dwellings per gross acre and greater)
This category includes single family detached dwellings developed consistent with the R-1AM zoning district; attached dwellings such as duplexes, patio / zero-lot line homes and townhomes consistent with the R-2 zoning district; multifamily housing developed consistent with the R-3 zoning district; and accessory units. Neighborhood-serving uses such as parks, churches, easements and ancillary neighborhood commercial uses permitted under the CR-1 zoning district or permitted subject to special exceptions or special permits.
- ◆ **Traffic Access**
The site is a corner lot developed with a site-built single-family house with frontage on ES Johnson Street and East Easy Street.
- ◆ **Utilities**
Parish water, sewer, and drainage are available along both streets.

APPLICABLE REGULATIONS

Appendix A. Section VI. – Zoning District Criteria and Regulations

[VII.] R-2. Two-family residential:

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) See uses allowed in the R-1A district
 - (2) Two-family dwellings
 - (3) Single family dwellings
 - (4) Accessory uses.
 - (5) Nonresidential accessory buildings shall not be permitted.
 - b. Special exception uses and structures include the following:

- (1) Club houses and/or accessory recreational facilities for resident use only
- (2) Professional, non-retail offices
- c. Special permit uses and structures include the following:
 - (1) Child care centers
 - (2) Schools (public, private, and commercial)
 - (3) Religious institutions
 - (4) *Reserved.*
 - (5) *Reserved.*
 - (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council.
- d. Transportation system required: Local or collector street.
- 2. Spatial Requirements:
 - a. Minimum lot size: Six thousand (6,000) square feet (3,000 per family); minimum width - sixty (60) feet.
 - b. Minimum yard sizes:
 - (1) Front - twenty (20) feet
 - (2) Side - five (5) feet each side
 - (3) Rear - twenty (20) feet.
 - (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999.
 - c. Accessory buildings:
 - 1) An accessory building may occupy no more than twenty-five (25) percent of the required rear yard.
 - 2) The accessory building shall not exceed two-story construction.
 - 3) Minimum rear setback of accessory building shall be the same as side yard requirement of the district in which it is located.
 - 4) Accessory buildings shall be located on the same parcel of land as the main structure.
 - d. Permitted encroachments:
 - 1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
 - 2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.
- 3. Transportation System Requirement: Front on local or collector street only.
- 4. Special Provisions:
 - a. Where any two-family residential district (R-2) abuts any residential zoning district or use, a six-foot high solid wood fence or masonry wall shall be erected.

Appendix A. Section XV. - Amendment procedure

D. Rezoning guidelines and criteria: The proponent for a change should present reasonable factual proof that two or more of the following criteria are met:

- 1. The proposed rezoning conforms to land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zone that is incompatible with the surrounding neighborhood.
- 2. The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property, and that the proposed zoning does. In order to determine what is reasonable use of the property, the proponent for the zoning change should consider one or more of the following:
 - a. Consideration of uses on adjacent properties that would limit the use of the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects which can be shown to limit the usefulness of vacant land or buildings.
- 3. Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.

The Planning Staff shall base rezoning analyses on these criteria but shall not be prohibited from factoring unique circumstances of the application into the analysis. The Planning and Zoning Commission may state in its recommendations to the Council: its concurrence with, or rejection of, any or all of the proponents' case for the suggested amendment, and/or its position relative to proponents' statements on the case. Planning Staff analyses and recommendations shall be forwarded to the Council along with the Commission's recommendations.

E. Rezoning approval criteria: Before the Council votes to approve a rezoning, there should be reasonable factual proof by the applicant that:

- 1. The proposed map amendment is in compliance, or is not in conflict, with the goals and recommendations of the St. Charles Parish Comprehensive Plan and Future Land Use Map, also
- 2. The proposed map amendment does not negatively impact the health, safety, and welfare of the community.

REZONING GUIDELINE EVALUATION

Before the Commission makes a recommendation or the Council rezones property; there should be reasonable factual proof by the proponent of a change that two or more of the following criteria are met:

- 1. *The proposed rezoning conforms to the land development pattern established by the St. Charles Parish Comprehensive Plan Future Land Use Map and does not create a spot zoning that is incompatible with the surrounding neighborhood.* The site conforms to the Moderate Density Residential designation on the Future Land Use Map, which accounts for attached dwellings consistent with the R-2 zoning district. But the request would create a spot zone as the surrounding area is zoned R-1A(M) and developed with single family homes. **The request does not meet the first guideline.**

2. *The Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the applicant's property and the proposed zoning does.* The current R-1A(M) zoning allows for reasonable use of the subject site by allowing for its redevelopment as a single family dwelling, which would align with the primary character of the neighborhood. The site is located in the New Sarpy Subdivision, which has been zoned for single family development since 1973 (R-1). The current R-1A(M) district was established in 1981. Since 2020, there have been six (6) permits for improvements to existing structures within the 700 and 800 blocks of E. Easy Street, four (4) of which applied for since Hurricane Ida. Adjacent E. Hoover Street has seen similar levels of re-investment. There is no suggestion there has been a change in the land use pattern or character of the neighborhood making the current zoning unreasonable. **The request does not meet the second guideline.**

3. *Potential uses permitted by the proposed rezoning will not be incompatible with existing neighborhood character nor will they overburden public facilities and infrastructure.* Expanding the development potential from one (1) dwelling to two (2) on this site would not overburden public facilities, but the proposed R-2 zoning is not compatible with either the area immediately surrounding the site nor the larger New Sarpy Subdivision. The neighborhood is developed predominately with either site-built, single-family houses, or manufactured homes consistent with the zoning district. **The request does not meet the third guideline.**

ANALYSIS

The applicant is requesting a rezoning from R-1A(M) to R-2 on Lots 1, 2, & 3, Square 35, New Sarpy Subdivision, totaling an area of 6,000 sq. ft.

The request does not meet any of the guidelines for rezoning. Granting the request would create a spot zone, the land use pattern has not changed in a way that makes the existing single family zoning unreasonable, and the uses permitted by R-2 zoning, primarily duplexes, are not compatible with the single family development in the surrounding area.

DEPARTMENT RECOMMENDATION

Denial.